

CHAPTER 1136**VIDEO RENTAL PROPERTY THEFT**

S.F. 466

AN ACT relating to the theft of video rental property and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 714C.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Owner" means an owner of video rental property and includes an agent of the owner.
2. "Video rental property" means an audiovisual recording, including a videotape, video-disc, or other tangible medium of expression on which an audiovisual work is recorded or otherwise stored, or any equipment or supplies used to view the recording, and which is held out for rental to the public in the ordinary course of business.

Sec. 2. NEW SECTION. 714C.2 VIDEO RENTAL PROPERTY THEFT.

A person commits theft of video rental property if such person knowingly does any of the following:

1. Obtains the temporary use of video rental property with the intent to deprive the owner of the use and possession of the video rental property without the consent of the owner.
2. Having lawfully obtained possession for temporary use of the video rental property, fails to return the property by the agreed time with the intent to deprive the owner of the use and possession of the property without the consent of the owner.

Sec. 3. NEW SECTION. 714C.3 AGGREGATE VALUE.

The aggregate value of the property involved shall be the original retail value of the property.

Sec. 4. NEW SECTION. 714C.4 VIDEO RENTAL PROPERTY THEFT – DEGREES.

Video rental property theft shall be punishable as theft as provided in section 714.2 based on the aggregate value of the property involved.

Sec. 5. NEW SECTION. 714C.5 EVIDENCE OF INTENTION.

1. The fact that a person obtains possession of rented video property by means of deception, including but not limited to furnishing a false name, address, or other identification to the owner, is evidence that possession was obtained with intent to knowingly deprive the owner of the use and possession of the video rental property.
2. The fact that a person, having lawfully obtained possession of video rental property, fails to pay the owner the fair market value of the video rental property or to return or make arrangements acceptable to the owner to return the video rental property to the owner, within forty-eight hours after receipt of written notice and demand from the owner is evidence of an intent to knowingly deprive the owner of the use and possession of the video rental property.

Sec. 6. NEW SECTION. 714C.6 AFFIRMATIVE DEFENSE.

It shall be an affirmative defense to a prosecution under section 714C.2, subsection 2, if the defendant in possession of video rental property pays the owner the fair market value of the video rental property or returns the property to the owner within forty-eight hours of arrest, together with any standard overdue charges for the period that the owner was unlawfully deprived of possession, but not to exceed one hundred twenty days, and the value of the damage to the property, if any.

Sec. 7. NEW SECTION. 714C.7 CHAPTER NOT EXCLUSIVE.

This chapter does not preclude the applicability of any other provision of the law of this

state which is not inconsistent with this chapter and which applies or may apply to an act or transaction in violation of this chapter.

Approved April 22, 1998

CHAPTER 1137
SHERIFF UNIFORMS
S.F. 2372

AN ACT relating to the standard uniforms of sheriffs and deputy sheriffs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 331.657, subsection 3, Code 1997, is amended to read as follows:

3. The colors and design of the standard uniform for the sheriffs and deputy sheriffs shall be designated by rule of the commissioner of public safety after consideration of the recommendations of the Iowa state association of sheriffs and deputy sheriffs. The uniform shall include standard shirts, shoulder patches, badges, nameplates, hats, trousers, neckties, jackets, socks, shoes and boots, and leather goods. The uniforms shall be readily distinguishable from the uniforms of other law enforcement agencies of the state. The rules shall allow for appropriate individual county designations on the uniforms. The rules shall be adopted and may be amended in compliance with chapter 17A.

Sec. 2. **IMPLEMENTATION OF ACT.** Section 25B.2, subsection 3, shall not apply to this Act.

Approved April 22, 1998